



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

MAY 29 2018

Brian P. Trulear, Chief  
NPDES Permits Branch  
Office of NPDES Permits and Enforcement  
U.S. EPA Region 3  
1650 Arch St., Philadelphia, PA, 19103

Re: WWII Memorial NPDES No. DC0000345 and Lincoln Memorial NPDES No. DC0000370

Dear Mr. Trulear:

We have completed our consultation under section 7 of the Endangered Species Act (ESA) in response to your original February 7, 2018 letter and March 5, 2018 revised letter, regarding the above-referenced proposed project. We reviewed your (the action agency) consultation request document and related materials. Based on our knowledge and your materials, we concur with your conclusion that the proposed action is not likely to adversely affect any ESA-listed species or designated critical habitat under our jurisdiction. Therefore, no further consultation pursuant to section 7 of the ESA is required.

Overall we agree with your analysis, but would like to offer one clarification regarding effects to Atlantic sturgeon critical habitat. In your sentence that concludes your critical habitat effects analysis you state that discharges authorized by the permit "should not affect critical habitat and are considered to have no effect on critical habitat in the Potomac." We would like to clarify that this should read that the discharges *will* not affect critical habitat, which better supports your conclusion that the action has no effects to Atlantic sturgeon critical habitat located in the Potomac River.

Reinitiation of consultation is required and shall be requested by the Federal agency or by the Service, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (a) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in the consultation; (b) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation or; (c) If a new species is listed or critical habitat designated that may be affected by the identified action. No take is anticipated or exempted. Should you have any questions about this correspondence please contact Chris Vaccaro at (978) 281-9167 or by email ([christine.vaccaro@noaa.gov](mailto:christine.vaccaro@noaa.gov)).



For questions related to Essential Fish Habitat please contact Kristy Beard with our Habitat Conservation Division at (301)-427-8413 or at (kristy.beard@noaa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Boelke', written over a horizontal line.

Christopher Boelke  
Acting Assistant Regional Administrator  
for Protected Resources

EC: Vaccaro, PRD; Beard, HCD; Green, EPA

PCTS: NER-2018-14913

File Code: H:\Section 7 Team\Section 7\Non-Fisheries\EPA\Informal\2018\WWII Memorial NPDES No. DC0000345 and Lincoln Memorial  
DC0000370